FILED
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JAMES R. BROWNING, Clerk

IN THE SUPREME COURT OF THE UNITED STATES

October Term, A.D. 1958

STATES OF WISCONSIN, MINNESOTA, OHIO and PENNSYLVANIA, Complainants,

v.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, Defendants.

No. 2 Original

STATE OF MICHIGAN, Complainants,

v.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al, Defendants.

STATES OF MISSOURI, KENTUCKY, TENNESSEE, LOUISIANA, MISSISSIPPI and ARKANSAS, Intervening Defendants.

No. 3 Original

STATE OF NEW YORK, Complainant,

v.

STATE OF ILLINOIS and the SANITARY DISTRICT OF CHICAGO, et al, Defendants.

No. 4 Original

OBJECTIONS BY THE STATES OF WISCONSIN, MINNESOTA, OHIO, PENNSYLVANIA, MICHIGAN AND NEW YORK, COMPLAINANTS, AND MOTION TO STRIKE FROM THE FILES A CERTAIN *"MOTION FOR LEAVE TO FILE AND BRIEF OF THE CHICAGO ASSOCIATION OF COMMERCE AND INDUSTRY AS AMICUS CURIAE IN OPPOSITION TO AMENDED APPLICATION OF THE STATES OF WISCONSIN, MINNESOTA, OHIO, PENNSYLVANIA, MICHIGAN AND NEW YORK FOR A REOPENING AND AMENDMENT OF THE DECREE OF APRIL 21, 1930 AND FOR THE GRANTING OF FURTHER RELIEF".*

BRIEF IN SUPPORT THEREOF

STATE OF WISCONSIN
John W. Reynolds
Attorney General
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STATE OF MINNESOTA
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STATE OF OHIO
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STATE OF PENNSYLVANIA
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STATE OF MICHIGAN
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STATE OF NEW YORK
Louis J. Lefkowitz
Attorney General
Richard H. Shepp and
Dunton F. Tynan
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SPEAKER-HINES AND THOMAS, INC., LANSING, MICH.—1959

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To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

The Attorneys General of the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York file the following objections to the *Motion of the Chicago Association of Commerce and Industry for Leave to File a Brief as Amicus Curiae:*

1. There is no showing that the Chicago Association of Commerce and Industry has any direct interest in the subject matter of the above causes.

2. There is no showing that the legal issues presented in the motion and brief filed by counsel for said association could not be presented to this Court by the Attorney General of the State of Illinois as well as by the attorneys for the Metropolitan District of Greater Chicago.

3. The State of Illinois through its Attorney General as parens patriae represents all interests, both private and public, which the citizens as well as corporate entities of the State of Illinois may have in the subject matter of the above causes.

4. By allowing this particular association to enter this cause in the manner and form presented in its motion and brief, it would set a precedent which would enable other private corporate entities as well as private citizens to do likewise on behalf of both the complainants and the defendants in these causes and would encumber unnecessarily the records of this Court.

While the State of Wisconsin has previously indicated it had no individual objections to the filing of the brief amicus curiae by the Chicago Association of Commerce and Industry, Wisconsin agrees that in the absence of similar consent from all other parties complainant, proper grounds do not now exist for filing the brief of the Chicago Association of Commerce and Industry.

BRIEF

This is a suit between sovereign states, and for this reason private individuals should not be permitted to intervene. Any interests which they may claim in the matter may be filed through the office of the Attorney General of Illinois who is charged with the duty of representing the State of Illinois.

The movants in the instant case have failed to comply with the requirements prescribed by Rule 42(3), as follows:

> "It (the motion) shall concisely state the nature of the applicant's interest, set forth facts of questions of law that have not been, or reasons for believing that they will not adequately be, presented by the parties, and their relevancy to the desposition of the case. . . "

Movants have not shown that the Attorney General for Illinois will not adequately present the issues involved in this case. It must be assumed that the said Attorney General will present all the arguments and facts necessary to defend the interests of the State of Illinois. Movant's application and brief are therefore unnecessary.

To permit the movants to file their brief in the instant case would in effect be in contravention of the XIth Amendment to the Constitution of the United States which prohibits suits by individuals against the States.

Wherefore the Court is respectfully requested to strike from the files the Motion for Leave to File and Brief of the Chicago Association of Commerce and Industry as Amicus Curiae in Opposition to Amend Application of

the States of Wisconsin, Minnesota, Ohio, Pennsylvania, Michigan and New York for a Reopening and Amendment of the Decree of April 21, 1930 and for the Granting of Further Relief.

Respectfully submitted,

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